

From: peter.hiltz@gm.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

I would like to make my comments on the proposed Microsoft settlement and will try to avoid the normal rhetoric from either side.

The legal decision has been rendered that Microsoft is a monopoly. That creates certain responsibilities that do not apply to a non-monopoly holder. Given Microsoft's position and the critical nature of their software in the current US economy, I believe the most important requirement is publishing and documenting the API for everything. That allows programmers to write programs to connect with and interact with Microsoft's programs and operating systems.

I do not believe giving Microsoft the ability to decide which APIs it will publish is in the best interests of the country or the economy or the consumers. Giving such control away to Microsoft effectively gives them the ability to limit any competition. Lack of competition is bad for the consumer. (If the consumer was not being overcharged, Microsoft would not be increasing its cash by an estimated \$1.5 billion/month). The documentation needs to be sufficient that programmers can write programs that connect with the Microsoft operating systems, "middleware" and applications products on a level playing field with the Microsoft programmers.

However, I also don't believe that Microsoft should have to publish anything which is behind the API. Such an action would be too much interference with Microsoft's ability to compete itself.

I object to being forced to buy computers with Microsoft software (with a built in price increase) that I have no intention of using. I also object to discovering language in EULA,s that limit my ability to use the software that I have "licensed" to a single computer, that I cannot modify without the permission of Microsoft, that I cannot use for purposes that Microsoft finds objectionable (e.g., using their word processing program to write a letter critical of Microsoft), and that effectively asserts some type of control over hardware that I, not Microsoft, own. (By the way, I do find it incongruous that Microsoft and other "applications software" developers claim property rights based on licensing, not sales, but then want to pay customs and income taxes based on "sales", not "licenses".)

Very truly yours,

Peter F. Hiltz
GMAC Tax Counsel

P.S. The opinions voiced are not necessarily the opinions of General Motors; I have'nt asked.

